

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

ANTHONY MICHAEL GIOIOSA, SR.,

Plaintiff,

v.

PAROLE RESULTS CONTINUED,

Defendant.

Case No. 2:22-cv-00113-APG-EJY

**ORDER**

**I. DISCUSSION**

On January 20, 2022, Plaintiff, an inmate in the custody of the Nevada Department of Corrections, submitted an untitled document (ECF No. 1-1) to the Court that included his social security number. Plaintiff has not filed a complaint or an application to proceed *in forma pauperis*.

Under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. To proceed *in forma pauperis* under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, which allows an inmate who seeks to commence a civil action without prepaying the \$402 filing fee, the inmate must submit all three of the following documents to the Court:

(1) a completed Application to Proceed in Forma Pauperis for Inmate, on this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),

(2) a Financial Certificate properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and

(3) a copy of the inmate’s prison or jail trust fund account statement for the previous six-month period.

The Court will grant Plaintiff a one-time extension to file a complaint and a complete application to proceed *in forma pauperis* containing all three of the required documents, on or before **March 25, 2022**. Absent unusual circumstances, the Court will not grant any further extensions of time. If Plaintiff is unable to file a complaint and a complete application to proceed *in forma*

1 *pauperis* with all three required documents on or before **March 25, 2022**, this case will be subject  
 2 to dismissal without prejudice. Plaintiff is free to file a new case with the Court when Plaintiff is  
 3 able to file a complaint and acquire all three of the documents needed to file a complete application  
 4 to proceed *in forma pauperis*.

5 A dismissal without prejudice means Plaintiff does not give up the right to refile the case  
 6 with the Court, under a new case number, when Plaintiff is able to file a complaint and has all three  
 7 documents needed to submit with an application to proceed *in forma pauperis*. Alternatively,  
 8 Plaintiff may choose not to file an application to proceed *in forma pauperis* and instead pay the filing  
 9 fee of \$402 on or before **March 25, 2022**, to proceed with this case.

## 10 **II. ORDER**

11 For the foregoing reasons, IT IS HEREBY ORDERED that Plaintiff will submit a complaint  
 12 to this Court on or before **March 25, 2022**.

13 IT IS FURTHER ORDERED that the Clerk of the Court will redact Plaintiff's social security  
 14 number in the untitled document (ECF No. 1-1).

15 IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the approved  
 16 form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The Clerk of the Court  
 17 will also send Plaintiff a copy of his redacted, untitled document. ECF No. 1-1.

18 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the approved  
 19 form application to proceed *in forma pauperis* by an inmate, as well as the document entitled  
 20 information and instructions for filing an *in forma pauperis* application.

21 IT IS FURTHER ORDERED that on or before **March 25, 2022**, Plaintiff will either pay the  
 22 \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52 administrative fee)  
 23 or file with the Court:

24 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's  
 25 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page  
 26 3),

27 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official  
 28 (i.e. page 4 of this Court's approved form), and

(3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period.**

IT IS FURTHER ORDERED that, if Plaintiff does not file a complaint and a complete application to proceed *in forma pauperis* with all three documents or pay the \$402 filing fee for a civil action on or before **March 25, 2022**, this case will be subject to dismissal without prejudice for Plaintiff to refile the case with the Court, under a new case number, when Plaintiff is able to file a complaint and has all three documents needed to file a complete application to proceed *in forma pauperis* or pays the \$402 filing fee.

Dated this 26th day of January, 2022.

  
ELAYNA J. YOUCHAK  
UNITED STATES MAGISTRATE JUDGE